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SUBJECT: U.S. FORCES DETAINEE OPERATIONS ROUND-UP

REF: BAGHDAD 3141

Classified By: Deputy PM Couns W.S. Reid III for reasons 1.4(b) & (d).

¶1. (C) Summary. U.S. military forces continue to meet detainee release/transfer benchmarks and remain on track to either transfer to the GOI or release all legacy detainees currently in U.S. custody no later than September 2010. Multi-National Force Iraq (MNF-I) originally planned to release/transfer 1,500 detainees per month; however, requests from the GOI to slow down the process due to GOI detention facility limitations and a previous slow arrest warrant return rate introduced monthly fluctuations in releases/transfers. Nevertheless, the overall process remains on track. Accordingly, since January 2009, U.S. forces have either transferred, with a valid arrest warrant or detention order, or released, in coordinated release ceremonies, 8,913 detainees. MNF-I plans to transfer its two remaining theater internment facilities (TIFs) to the GOI in 2010, along with the remaining U.S.-held detainees. (Note: There has been some concern that a reduction in funding for correction advisers could cause a delay in this process. See reftel. End Note.) U.S. and GOI representatives will meet on January 7 to finalize the Taji TIF transfer date. End Summary.

USG DETAINEE POPULATION

¶2. (S) As of December 2, the USG had 6,532 detainees in custody, with plans to release 300 detainees per month in December and January 2010 and transfer 95 detainees to the GOI in the month of December. (Note: MNF-I transferred 20 Asa'ib Ahl al-Haq-affiliated (AAH-affiliated) detainees to the GOI on December 3; some 120 AAH-affiliated detainees with warrants will be transferred to GOI custody over the coming weeks. End Note.) Task Force 134 (TF-134), the MNF-I subordinate command tasked with conducting detainee operations in Iraq, stated that as the Iraqi national election draws nearer, the planned releases and transfers will be reduced. In addition, there is no plan at this time to release or transfer to the GOI any detainees five days prior to or after the national elections. Since January, the U.S. has released or transferred to the GOI 8,913 detainees.

¶3. (S) The current U.S.-held detainee population includes: two male juveniles, two American citizens, and four third-country nationals, hailing from Lebanon, Saudi Arabia, Morocco and Tunisia. Other special population detainee groups in U.S. custody include: 2,776 AQI-affiliated detainees; 2,010 detainees who have been designated as dangerous radicals; and 149 enduring security threats. These designations were determined by the Subject Matter Expert Threat Assessment Review Board.

¶4. (S) In order to house legacy and new-capture (i.e. those captured after January 2009) detainees, U.S. forces currently maintain two Theater Internment Facilities (TIFs). In

addition, the four Multi-National Corps-Iraq (MNC-I) divisions, which are located throughout Iraq, maintain Division Holding Areas (DHAs) for new-capture detainees. Currently, the Taji TIF, with a capacity of 5,126, has a detainee population of 3,496 and the Cropper TIF (located on Victory base on the outskirts of Baghdad), with a capacity of 3,944, contains 3,027 detainees. The Combined Joint Service Special Operation Task Force DHA, with a detainee population of seven and a capacity for 31 detainees, is the only DHA housing detainees at this time. MNF-I plans to transfer both the Taji and Cropper TIFs to the GOI in 2010.

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TAJI THEATER INTERNMENT FACILITY TRANSFER TO GOI

15. (SBU) At the Taji Transfer Conference on November 17, TF-134 Commanding General David Quantock (BG Quantock) explained to the GOI representatives present that the transfer of the Taji TIF to the GOI will take place in either late February or early March 2010, rather than January 10, 2010, as earlier proposed. (Note: This delay in transfer was made after separate meetings between the Minister of Justice Dara Nur al-Din, and subsequently by the Deputy Minister of Justice Posho Ibrahim Dezi-Yeh (DMoJ Posho), with BG Quantock, requesting that the transfer occur after the Iraqi national elections. End Note.) All parties agreed that a definitive date for the transfer will be reached at the next Taji Transfer Conference on January 7. During the November 17 conference, DMoJ Posho requested that the USG leave all equipment in the Taji TIF upon transfer because the GOI had failed to account for the early transfer of the TIF in its

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2010 budget. (Comment: This claim by DMoJ Posho lacks credibility as the date of transfer, rather than being moved forward, has been delayed. End Comment.) TF-134 assured DMoJ Posho that everything that did not have to be removed by law prior to the transfer would remain with the facility and would be transferred to the GOI, further stating the U.S. would provide inventories of everything being turned over with the TIF.

16. (S) In order to transfer the Taji TIF with a full contingent of detainees, TF-134 will need to obtain from the GOI transfer orders, arrest warrants, detention orders, or conviction paperwork on approximately 3,000 detainees. TF-134 currently has 3,660 legacy detainees who are transfer eligible (i.e. TF-134 has received transfer paperwork from the GOI); however, some of these individuals have been determined to have AQI affiliation or are enduring security threats. TF-134 stated it would like to maintain custody of these special classes of detainees until the transfer of the Cropper TIF planned for August 2010 and transfer lower-threat detainees with the Taji TIF. (Note: Although TF-134 will ultimately transfer the Cropper TIF to the GOI, U.S. Forces - Iraq (USF-I), which will stand-up in January 2010, will continue to maintain a 122-bed facility for new-capture detainees. End Note.)

JOINT SUBCOMMITTEE ON DETAINEE AFFAIRS

17. (SBU) To ensure that detainee transfer and release issues are coordinated between the GOI and USG, the Security Agreement's Joint Subcommittee on Detainee Affairs (JSC-DA) was set up. The JSC-DA, which meets bi-weekly, is co-chaired by MajGen Steven Hummer, MNF-I CJ3, and LTG Ayden Khalid Qadir, Deputy Minister for Police Affairs and Security, Ministry of the Interior. At previous JSC-DA meetings, the U.S. and the GOI have discussed issues such as low warrant return rate by the GOI; transfer of third-country nationals to the GOI; the transfer of detainee case files; and the location and date of detainee release ceremonies.

18. (SBU) On November 24, the JSC-DA again met to discuss the progress being made by the GOI generating arrest warrants on legacy detainees in U.S. custody. As of that date, the U.S. has received more than 2,900 warrants which, when combined with the number of detention orders and convictions, means that more than half of the remaining U.S.-held detainee population is eligible for transfer to the GOI. (Note: Many of the arrest warrants received by the U.S. charge the detainees with general violations of Article IV - terrorism. It is unclear whether the evidence provided by MNF-I to the GOI will result in actual convictions, leaving the GOI no choice but to release the detainees or keep them under detention indefinitely. End Note.) Also at the meeting, LTG Ayden announced that he will be stepping down as the Iraqi Co-Chair to concentrate on national elections security and will be replaced by MG Husayn Kamal, Director of the Iraqi National Information and Investigations Agency (NIIA), Ministry of the Interior. The next USG-GOI Joint Subcommittee on Detainee Affairs (JSC) will take place on December 12.

19. (C) Comment: Although current detainee release and transfer operations by MNF-I are conducted in a safe and secure manner, pursuant to the USG-GOI Security Agreement, the system cannot continue to function without significant buy-in from the GOI. This buy-in requires the GOI to continue to maintain the previously-transferred detention facilities in a manner consistent with international and national law and to make a significant effort to prosecute formerly U.S.-held detainees in a manner consistent with Iraqi law and the Constitution. End Comment.

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